

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David M. Hammerbeck *et al.*
Serial No.: 10/595,049
Confirmation No.: 1834
Filed: January 18, 2006
For: FORMULATIONS CONTAINING AN IMMUNE RESPONSE
MODIFIER
Examiner: Eric E. Silverman
Art Unit: 1618

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 4, 2009

Signature: /Heather A. McLennand/

(Heather A. McLennand)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement set forth in the Office Action mailed August 14, 2009, Applicant hereby elects Group I (claims 1-12, 15-21, and 35), drawn to a composition, for prosecution in the present application. Furthermore, Applicant elects the following species for search purposes only: compound *N*-{2-[4-amino-2-ethoxymethyl)-1*H*-imidazo[4,5-*c*]quinolin-1-yl]-1,1-dimethylethyl}methanesulfonamide as the immune response modifier (claim 19), and carboxymethyl cellulose sodium as the hydrophilic enhancing agent (claim 7). Claims 1-12, 15-21, and 35 read on the elected species.

Having made this election, Applicant expressly reserves the right to pursue the subject matter of the non-elected claims in one or more future applications claiming priority to the present application.

Applicant is filing concurrently a Petition for a two-month extension of time and authorization to pay the required extension fee using the credit card payment option of the USPTO's Electronic Filing System. If there is a fee occasioned by this response that is not covered, please charge any deficiency to Deposit Account No. 23/2825, under Docket No. C1271.70077US00, from which the undersigned is authorized to draw.

Dated: November 4, 2009

Respectfully submitted,

By /C. Hunter Baker/
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